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## **KIRKLEES COUNCIL**

### **STRATEGIC PLANNING COMMITTEE**

**Thursday 5th January 2017**

Present: Councillor Steve Hall (Chair)  
Councillor Bill Armer  
Councillor Donald Firth  
Councillor Paul Kane  
Councillor Carole Pattison  
Councillor Andrew Pinnock

#### **1 Membership of the Committee**

There were no substitutions of membership.

#### **2 Minutes of the Previous Meeting**

##### **RESOLVED -**

That the minutes of the meeting held on 1 December 2016 be approved as a correct record.

#### **3 Interests and Lobbying**

Councillor Kane declared that he had been lobbied on application 2015/93238.

#### **4 Admission of the Public**

All items on the agenda were taken in public session.

#### **5 Public Question Time**

No questions were asked.

#### **6 Deputations/Petitions**

No deputations or petitions were received.

**7 Site Visit - Application 2015/93238**

Site visit undertaken.

**8 Site Visit - Application 2016/93230**

Site visit undertaken.

**9 Site Visit - Application 2016/92254**

Site visit undertaken.

**10 Planning Application - Application No: 2014/92893**

The Sub-Committee gave consideration to Planning Application 2014/92893 - Erection of 34 dwellings and associated car parking at Land Off, Croft Street, Birkenshaw.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Susan Horrobin (on behalf of Birkenshaw Liberal Club), Ian Stuart, Jeff Turnbull, Esme Brooke, Andrew Mahoney and Stephen Powell (Objectors). Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Councillor Andrew Palfreeman (Local Ward Member).

**RESOLVED –**

- 1) That Conditional Full Permission be granted subject to the delegation of authority to the Head of Development Management to finalise conditions outlined in the submitted report and the update list (additional conditions detailed below) including matters relating to: the commencement of development; the development being completed in accordance with approved plans; landscape; landscape maintenance; submission of materials; approval of boundary treatment; the removal of Permitted Development rights for plots 17 and 18; Highways conditions including: Junction improvements at Old Lane/Croft Street, methods for storage and waste, parking provision being secured and surfaced, agreeing specifications for the internal adoptable roads and construction management; drainage Strategy including agreeing: surface water run off and flow routing and temporary drainage solutions ; environmental health conditions including : remediation strategy, unexpected contamination; validation report and noise attenuation measures (between Club and nearest dwellings); bio diversity enhancement measures and the provision of electric charging points.

Additional conditions to include:

1. That before the development commences details of the future provision/repair and maintenance of the retaining wall/structure to the southern boundary of Plots

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17-19 shall be submitted for the written approval of the Local Planning Authority. That the agreed details shall be implemented prior to the occupation of the approved dwellings on Plots 17-19.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development ) Order 1995, as amended (or any Order revoking or re-enacting that Order) no development included within Schedule 2 Part 1 Class A1, B and E to that Order shall be carried out without the prior written consent of the Local Planning Authority.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings ( apart from any expressly allowed by this permission) shall be created in the southern elevation of Plot 19.
- 2) That the Head of Development Management be delegated authority to secure a S106 agreement to cover the following matters:
  - a) Affordable Housing – 10 dwellings (with a 55% social rent and 45% submarket split).
  - b) £60,482 towards educational requirements
  - c) £90,850 towards public open space off site contribution
  - d) Residential Metro Card Scheme A – Bus Only ( Based on the current scheme costs this would be  $34 \times £475.75 = £16175.50$  )
- 3) That, pursuant to (2) above, in the circumstances where the S106 agreement has not been completed within 3 months of the date of this decision, the Head of Development Management shall be authorised to consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured, and would therefore be permitted to determine the application and impose appropriate reasons for refusal under Delegated Powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors S Hall, Kane and Pattison (3 votes)

Against: Councillors Armer and D Firth (2 votes)

Abstained: Councillor A Pinnock

### 11 **Planning Application - Application No: 2015/93238**

The Sub-Committee gave consideration to Planning Application 2015/93238 - Demolition of existing dwelling and erection of 5 detached dwellings with associated site works at Thornfield, 40 Prospect Lane, Birkenshaw.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Ian Stuart (Local Resident) and David Storrie (Planning Agent).

**RESOLVED –**

That Conditional permission be granted subject to the delegation of authority to the Head of Development Management to finalise conditions including:

1. The time frame for implementation.
2. Standard plans condition.
3. The submission of materials.
4. Conditions relating to contamination
5. Ensuring that the proposal is in accordance with Arboricultural Impact Assessment and Method Statement that is submitted with the application.
6. That there is evidence of arboriculture supervision as outlined in the Arboricultural Method Statement.
7. Securing biodiversity enhancement measures.
8. Boundary fence and walling materials.
9. Securing adequate surfacing and drainage of vehicle parking areas including the access to these areas.
10. The provision of turning facilities as detailed in the plan.
11. The provision of a bin storage area prior to the first use of the development.
12. The provision of an electric vehicle charging point.
13. Restricting permitted development rights on extensions.
14. The restriction of additional windows.
15. The requirement of obscure glazing for side facing windows.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, D Firth, S Hall, Kane and Pattison (5 votes)

Against: Councillor A Pinnock

**12 Planning Application - Application No: 2016/93230**

The Sub-Committee gave consideration to Planning Application 2016/93230 - Outline application for demolition of existing buildings and erection of residential developments at Fenay Bridge Nursery, Fenay Lane, Fenay Bridge, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Malcom Sizer (speaking on behalf of the applicant). Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Bernard McGuin (Local Ward Member).

**RESOLVED –**

That outline planning permission be refused in line with the following reasons that were included in the considered report:

The majority of the area of the site proposed for residential development is considered to be greenfield land and the construction of residential development would result in a form of inappropriate development. The redevelopment of the

remaining part of the site which is brownfield would result in a form of development which would have a greater impact on the openness of the Green Belt and to the purposes of including land with it and to the character of the local landscape. The applicant has not demonstrated that there are very special circumstances that would outweigh the harm identified, as such the development would be contrary to Section 9 of the National Planning Policy Framework.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, D Firth, S Hall, Kane, Pattison and A Pinnock (6 votes)  
Against: (0 votes)

**13 Planning Application - Application No: 2016/93268**

The Sub-Committee gave consideration to Planning Application 2016/93268 - Landfill of former quarry site and restore to agricultural land and highway improvements to provide vehicle passing areas at former quarry, Hall Ing Quarry, Hall Ing Road, Brockholes, Holmfirth

**RESOLVED –**

- 1) That Conditional Permission be granted subject to the delegation of authority to the Head of Development Management to finalise conditions outlined in the submitted report including :
  1. A standard 3 year time period to implement permission.
  2. A 12 month time limit to complete the development from the date of commencement.
  3. A standard condition requiring the development to accord with approved plans.
  4. Restricting access in line with the details that will be shown on the approved plans.
  5. That no landfill will commence until sight lines across the site frontage have been formed.
  6. The submission of a detailed scheme that covers the creation and upgrading of passing places on the highway that approaches the site.
  7. The Implementation of an approved scheme that covers the creation and upgrading of passing places prior to development commencing.
  8. Gates at the site entrance to be set back.
  9. The satisfactory surfacing of areas on the site that will be used by vehicles.
  10. A requirement to clean vehicles prior to entering the public highway.
  11. The restriction of HGV movements (8 in 8 out per day).
  12. The adequate provision on site for the storage of any oils/fuels etc. for plant and equipment.
  13. A requirement that only inert waste is used in the development.
  14. Preclusion of crushing and screening of waste on site.
  15. A requirement to strip existing soils prior to deposit of waste.
  16. A requirement to provide a detailed restoration scheme within 3 months of commencement.

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17. A requirement to adequately prepare/cultivate the final surface prior to restoration.
  18. A requirement for the Local Planning Authority to be given the opportunity to inspect the final surface once prepared.
  19. A requirement to use a minimum depth of topsoil across the site.
  20. A requirement to remove the haul road and restore the land.
  21. A restriction on hours of operation to 09:00 to 15:00 hours Monday to Friday only.
  22. A requirement to submit a scheme which indicates how noise emissions from the site will be minimised.
  23. A requirement to submit a scheme which indicates how dust emissions from the site will be minimised.
  24. A requirement to submit details of the design of any gate, wall or fence to be used on site.
  25. That no waste skips or containers are stored on the site.
  26. A requirement to provide a method statement covering environmental protection and enhancement proposals.
  27. A requirement that no burning of any materials will take place on the site.
  28. A requirement to avoid bird nesting season during landfilling operations or to ensure no nests will be detrimentally affected.
  29. A requirement to provide details of a temporary protective fence adjacent to the active tipping area.
  30. A requirement to replace any planting, seeding or trees which dies during a 5 year period after site restoration has been completed.
- 2) That the Head of Development Management be delegated authority to secure a S106 agreement which:
- a) Requires the use of a specific route for HGVs travelling to and from the site;
  - b) Precludes the use of articulated HGVs travelling to and from the site;
  - c) Restricts the size of HGV vehicles travelling to and from the site to rigid three axle HGVs with a maximum gross weight of 26 tonnes; and
  - d) Subject to there being no substantive changes to alter the recommendation, to issue a decision notice.
- 3) That, pursuant to (2) above, in the circumstances where the S106 agreement has not been completed within 3 months of the date of this decision, the Head of Development Management shall be authorised to consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured, and would therefore be permitted to determine the application and impose appropriate reasons for refusal under Delegated Powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, D Firth, S Hall, Pattison and A Pinnock (5 votes)  
Against: Councillor Kane (1 vote)

**14 Planning Application - Application No: 2016/92254**

The Sub-Committee gave consideration to Planning Application 2016/92254 - Erection of 24 dwellings at Land off Colders Lane, Meltham, Holmfirth.

**RESOLVED –**

Deferred.

The Committee resolved to defer consideration of the application and requested that the application be considered at a future meeting of the Committee following the conclusion of the viability assessment with the District Valuer.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, D Firth, S Hall, Kane, Pattison and A Pinnock (6 votes)  
Against: (0 votes)

**15 Planning Application - Application No: 2016/92633**

The Sub-Committee gave consideration to Planning Application 2016/92633 Position Statement - Erection of 128 dwellings (with two apartment blocks) including means of access and associated infrastructure at Heathfield Lane, Birkenshaw.

**RESOLVED –**

The Committee noted the contents of the report and provided comments to the questions outlined in the submitted report.